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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/738,248

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Theodore Jack London Shrader

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08/10/2005

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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,248

Applicant(s)

LONDON SHRADER ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final Office action is in response to the amendment filed May 24, 2005.

Claims 1-24 are pending in the application.

Claim Rejections - 35 USC § 112

2. Amendment to claims 6, 12, 15-16, and 23 has overcome the 35 U.S.C. 112, second paragraph rejection.

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 9-17, 22-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger et al "Challenger" (U.S. Patent No. 6,081,793) in view of Babbitt et al (US Patent No. 6,873,966).

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As per claims 1, 9-14, and 16, Challenger discloses a voting system comprising:

a server for *requesting a request* a voting ballot, *for an election in which a voting entity has a right to vote, the request being made* through a voting entity process using a public key and a private key of the voting entity, *wherein the voting entity encrypts the ballot request with a voting mediator's key, signs the ballot request with the voting entity's private key and sends the ballot request to a voting mediator* (validating said voting ballot request by a voting mediator, using a separate public key and private key of the voting mediator; generating an electronic ballot by the voting mediator (col. 3, lines 10-29); sending the generated ballot to said voting entity; receiving a vote in said electronic ballot by said voting entity and sending said electronic ballot to a voting tabulator; and counting the vote electronic ballot in the voting tabulator (col. 3, lines 55-60). Babbitt et al in the same field of endeavor discloses the concept of receiving a ballot request from a voter and the voting ballot being encrypted by the voter using hashing algorithm (col. 3, lines 2-13 and col. 7 line 5 through col. 8 line 23-50). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the disclosures of Challenger to incorporate the teachings of Babbitt et al in order to facilitate the casting of ballots in a secure way on network systems.

Claim 15 is a system claim for implementing the method steps of claim 1. Therefore, claim 15 is rejected under the same rationale relied upon of claim 1. In addition, Challenger teaches a global computer network. Note figure 1C.

Claim 17 is a computer program product in a computer readable medium for implementing the method steps of claim 1. Therefore, claim 15 is rejected under the same rationale as claim 1. In addition, Challenger teaches a global computer network. Note figure 1C

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Claims 22-24 are computer program product in a computer readable medium for implementing the method steps of claim 1. Therefore, claim 22 is rejected under the same rationale as claim 1. In addition, Challenger teaches a global computer network. Note figure 1C

6. Claims 2, 5, 7-8, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger (U.S. Patent No. 6,081,793) in view of Babbitt et al (US Patent N. 6,873,966) and further in view of Kilian et al (U.S. Patent No. 5,495,532).

As per claims 2, 5, 7-8, 18, 21, Challenger discloses all of the limitations in claim 1 above, but fails to explicitly disclose obtaining a voting certificate from the voting mediator. Kilian in the same of endeavor, discloses a secure voting system which teaches obtaining a voting certificate and authenticating using a key (col. 11, lines 3-14). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Challenger and Babbitt et al to include the teachings of Kilian. A person having ordinary skill in the art would have been motivated to use such a modification in order to permit authentication of multiple ballots efficiently. Furthermore, extracting the voting mediator's public key from the voting certificate, encrypting the ballot request with the voting mediator's public key would have been obvious to a person of ordinary skill in the art in order to permit authentication of the ballot efficiently.

7. Claims 3, 4, 6, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger (U.S. Patent No. 6,081,793), Babbitt et al (US Patent N. 6,873,966) in view of Kilian et al (U.S. Patent No. 5,495,532) and further in view of Witt et al "Witt" U.S. Patent No. 6,144,739).

As per claims 3, 4, 19-20, Challenger discloses the idea of encrypting a package (col.10, lines 33-44). However, the combination of Challenger and Kilian fails to teach the packaging of

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the ballot request in a sealed object. Witt in the same field of endeavor, teaches the concept of a packaged sealed object (See abstract and col. 3 line 25 through col. 5 line 28). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Challener, Babbitt, Kilian to incorporate the packaging sealed object of Witt with the motivation to protect the vote from unauthorized modification.

As per claim 6, the combination of Challener, Babbitt, and Kilian fails to disclose checking the signing certificate information against an appropriate database, and determining whether said voting entity has previously voted in the identified election. However, it would have been obvious to a person of ordinary skill in the art to incorporate this feature in Challener, Babbitt et al's voting system and Kilian's disclosures in order to prevent a voter from voting more than once.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Metcalfe "New technologies provide better combinations of privacy and anonymity. (encryption and user identification on the internet and commercial online information services)", discloses the distribution of ballots to voters using public key.

b. Harrison "Online voting moves closer to acceptance", discloses collecting and tabulating votes from voters and the use of public key.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ


ROMAIN JEANTY
PRIMARY EXAMINER
Art Unit 3623
August 8, 2005